

European Parliament Resolution on the role of regional and local authorities (14 January 2003)

Caption: European Parliament Resolution on the role of regional and local authorities in European integration. In its Resolution, Parliament calls on the Convention to amend several Treaty articles (in particular with a view to promoting territorial cohesion, linguistic diversity in Europe and transfrontier cooperation, and to granting the Committee of the Regions the right to bring proceedings before the Court of Justice for annulment of acts which might infringe the principle of subsidiarity or in order to defend its prerogatives).

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European Parliament resolution on the role of regional and local authorities in European integration (2002/141(INI)) (14 January 2003)

The European Parliament,

- having regard to the Treaty which was signed in Nice on 26 February 2001 and, in particular, to point 6 of Declaration 23 on the future of the Union,
- having regard to the Declaration on the future of the European Union made on 15 December 2001 by the European Council meeting in Laeken,
- having regard to the Commission White Paper on European governance ⁽¹⁾ and its resolution of 29 November 2001 ⁽²⁾ thereon,
- having regard to its resolution of 16 May 2002 on the division of competences between the European Union and the Member States ⁽³⁾,
- having regard to the territorial organisation of each of the Member States as laid down in their respective constitutions,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Community Charter for Regionalisation ⁽⁴⁾,
- having regard to Article 265 of the Treaty establishing the European Community,
- having regard to Rules 53 and 163 of its Rules of Procedure,
- having regard to the opinion of the Committee of the Regions of 21 November 2002 on the role of regional and local authorities in European integration ⁽⁵⁾,
- having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Employment and Social Affairs and the Committee on Women's Rights and Equal Opportunities (A5-0427/2002),

A. whereas the European Union is based on the dual legitimacy of the States and of the citizens; noting that, over the past few decades, and in parallel with the process of European integration, a growing tendency towards regionalisation or decentralisation has become apparent in most of the Member States and that this has strengthened the responsibilities of numerous territorial entities in advising on the formulation of EU law and policy, and in their implementation and monitoring, and given them a new awareness of their role in Europe; noting, further, that institutional practice frequently goes beyond what is laid down in law,

B. noting that this phenomenon has manifested itself in a rich national, cultural and institutional diversity, as evidenced by the constitutional and administrative law of the Member States,

C. whereas, in view of the challenges, the potential and the uncertainties of globalisation, the EU must simultaneously develop its capacities both for global intervention and for cohesion and citizens' participation, as guaranteed by the regions and municipalities,

D. whereas awareness of the functions and autonomy of the various regional and local administrations in the Member States has grown in recent years, whereas regional and local administrations can play an important part in bringing the EU closer to citizens, which is a key point in the Nice process, and whereas the Commission White Paper on European governance calls for closer cooperation between the European institutions, national governments, regional and local administrations and civil society,

E. whereas the regions and local authorities contribute to the success of European integration in many and various ways, by the application of European law to local and regional matters, by international partnerships and, in border regions, by means of transfrontier cooperation,

F. recalling the Preamble to the Charter of Fundamental Rights, which reads: 'The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels',

G. aware that the protection and strengthening of regional and local autonomy in the various European countries represents an important contribution to the process of European integration based on the principles of democracy, proximity and decentralisation of power,

H. noting that every democratic legitimacy conferred upon institutions at all levels of government possesses its own value and merit and that any view of the Union's institutional system as being necessarily hierarchical and pyramid-shaped must be abandoned,

I. whereas it is appropriate for the European Union to introduce greater participation of regional and local authorities in the European decision-making process, as early as the stage when Community policies and acts are being devised, and whereas the Union must similarly ensure more effective cooperation with the entities which are actually responsible for implementing the decisions of the Union,

J. whereas Article 203 of the EC Treaty already allows Ministers from regional governments to take part in the Council delegations of their respective Member States, wherever this is in accordance with that State's constitutional distribution of powers,

K. aware of the call from local and regional authorities for their role in the decision-making process to be enhanced; taking the view that that request must be interpreted and satisfied without calling into question the institutional balance which has, to date, formed the basis of the success of the Community and of the Union and which must be consolidated in the light of the enlargement of the Union to encompass 25, or even more, Member States,

L. reaffirming the legitimacy of and the crucial role played by the Committee of the Regions as the institutional interlocutor of local and regional authorities in the Union,

M. aware of the commitment to Europe of regional and local assemblies, which must also seize the opportunity to express their views on European projects;

N. having regard to the importance of the work carried out by the Conference of Local and Regional Authorities in Europe (CLRAE), the Assembly of European Regions (ARE), the Association of European Border Regions (AEBR), the Conference of Peripheral Maritime Regions (CPMR), the Council of European Municipalities and Regions (CEMR), and by Eurocities, which promote democratic local and regional structures and transfrontier and interregional cooperation at European level,

Bringing the Union closer to its citizens

1. Considers that, with a view to bringing the European Union closer to its citizens, the Union must devise new methods of participation that acknowledge the key role to be played by regional and local bodies, in particular in the process for the drawing-up of Community decisions and in the implementation of Community policies, since that will increase the support of the Union's citizens for further progress in European integration;

2. Calls for the relevant provisions of the European Constitution to recognise the role of the regions, provinces, communes and any regional or local organisation which forms part of the Member States in the pursuit of the objectives of the European Union; calls accordingly for the European Constitution to define

precisely the exercise, application and monitoring of the subsidiarity principle; calls also, where the transposition of directives into national law falls within the competence of the regions, for the latter to enjoy the same flexibility as regards the choice of methods as the national authorities when they are competent; moreover urges the Member States to strengthen the internal mechanisms which provide for participation by the regions and territorial authorities, in particular those endowed with legislative powers ⁽⁶⁾, in all aspects of the process of formation of State policy in the field of European affairs that are of specific interest to them;

Participatory representation

3. Supports the call from the Committee of the Regions for the new constitutional framework of the European Union to incorporate the European Charter of Local Self-Government into the *acquis communautaire*, with a view to constructing a Union based on the principles of democracy and transparency ⁽⁷⁾ and involving dialogue and cooperation;
4. Calls on the Commission to involve, on a full and regular basis, those who will be required to implement them in the preparation of legislative acts and in the devising of Community policies, with the national structure determining the arrangements for the involvement of regional and local authorities in such preparatory work; trusts that the resolve to simplify the way in which the Union operates will be compatible with the opening-up of new avenues of participation for all players, current or aspiring, on the European stage;
5. Confirms its support for the concept set out in the Commission White Paper on European governance which sees the regions and municipalities acting as intermediaries between the individual and the European institutions; hopes that alongside the direct consultation of regional and local interests, consultation will principally take place via the Committee of the Regions or via the most representative European associations for the defence of regional, urban and local interests; calls on the Commission, therefore, to act on the appropriate proposals of principle set out in the White Paper on European governance;
6. Welcomes the submission of Commission proposals on the possibility of introducing 'tripartite contracts' involving the Union, the Member States and the territorial authorities appointed by them and will subject them to detailed scrutiny, in particular from the point of view of the prerogatives of the European Parliament;
7. Proposes that cooperation be stepped up between regional assemblies and the European Parliament, in particular through its Committee on Regional Policy, Transport and Tourism;

Access to the Court of Justice

8. Calls on the Convention to ensure that regions and other territorial entities, in the light of the principle of subsidiarity and if their prerogatives have been directly infringed by a Community act, may defend their rights before the Court of Justice under the authority of the Member State concerned, according to its constitutional or national legislation;
9. Points out that, in any event, the task of determining the respective powers and responsibilities of the Member States and of the regions in specific cases lies exclusively with the constitutional courts or with other bodies designated for that purpose under the Member States' constitutional law;
10. Proposes that the Committee of the Regions should be given the right to bring a matter before the Court of Justice in the event of a presumed violation of the subsidiarity principle or in order to defend its prerogatives;

Transfrontier cooperation

11. Recalls that transfrontier cooperation is a European task and a political objective of the EU; calls on the Commission, in close cooperation with the Member States and with regional and local authorities, to

encourage transfrontier cooperation at all levels, above all between neighbouring regions; calls on the Commission to draw up a draft statute to facilitate the implementation of such transfrontier cooperation;

Convention

12. Welcomes the debate arranged by the Praesidium of the Convention on the role of regions and local authorities to be held on 6 and 7 February 2003;

13. Proposes the following amendments to the Treaties:

(a) in the first subparagraph of Article 2 of the TEU, insert the objective 'to promote territorial cohesion';

(b) Article 6(3) of the TEU to read: 'The Union shall respect the national identities of the Member States, their domestic structure and the autonomy of the regions and municipalities;

(c) in the second paragraph of Article 5 of the EC Treaty, after the words 'Member States', insert: 'or by the regional and local authorities on the basis of the powers conferred on them by laws of the Member State in question.' (remainder unchanged);

(d) the first sentence of the first paragraph of Article 10 of the EC Treaty to read: 'Member States, together with their local and regional authorities where their constitutional provisions so require, shall, within their respective remits, take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community.';

(e) insert in the EC Treaty the following new Article 10a: 'In the areas provided for by national legislation, the regional and local authorities of the Member States shall be involved in attaining the objectives and enhancing the action of the Union.';

(f) insert in the EC Treaty the following new Article 151a: 'The Community shall, within its spheres of competence, respect and promote linguistic diversity in Europe, including regional or minority languages as an expression of that diversity, by encouraging cooperation between Member States and utilising other appropriate instruments in the furtherance of this objective.';

(g) at the end of Article 158 of the EC Treaty, add a third paragraph reading: 'The Member States shall undertake to promote transfrontier cooperation at their internal and external borders, to create the requisite legal framework for that purpose and to apply the statute for transfrontier cooperation.';

(h) at the end of Article 211 of the EC Treaty, add the following new indent: 'carry out its activities in a spirit of mutual partnership with the Member States and their local and regional authorities.';

(i) add the following new paragraph after the third paragraph of Article 230 of the EC Treaty: 'The Court of Justice may also rule on proceedings brought by the Committee of the Regions for annulment of acts which might infringe the principle of subsidiarity or in order to defend its prerogatives.';

(j) at the end of Article 265 of the EC Treaty, add the following new paragraph: 'The Council and the Commission shall regularly adopt a reasoned report on the measures taken in response to opinions delivered by the Committee of the Regions.';

14. Hopes that Article 299(2) of the EC Treaty, which concerns the outermost regions, will be consolidated;

15. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions, the parliaments of the Member States and candidate countries, and the European Convention.

⁽¹⁾ OJ C 287, 12.10.2001, p. 1.

⁽²⁾ OJ C 153 E, 27.6.2002, p. 314.

⁽³⁾ P5_TA(2002)0247.

⁽⁴⁾ Article 23(1) of the Community Charter for Regionalisation, adopted by the European Parliament on 18 November 1988 (OJ C 326, 19.12.1988, p. 289).

⁽⁵⁾ CoR 237/2002.

⁽⁶⁾ See Convention, Summary Report, plenary meeting of 3-4 October 2002 (CONV 331/02, p. 9).

⁽⁷⁾ Opinion of the Committee of the Regions, CoR 237/2002, § 1.21.